

REMARKS

Claims 1-24 were pending when last examined. All pending claims are shown in the detailed listing above.

Claim Rejections – 35 USC § 102

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Balamurugan et al. (USPN 6,320,795 B1). Applicant respectfully traverses.

The Examiner's rejection of claims 1-24 depends on a distorted interpretation of the purported prior art reference, Balamurugan et al. The Examiner asserts, "Balamurugan et al. discloses...a plurality of bit lines (16 lines connecting 14 from 50 in Fig. 2 or 37 in Fig. 1); a data bus (14) having a plurality of bus lines (see col. 2, lines 39+), wherein each bus line is connectable (by 42 in Fig. 2 or 30/32 in Fig. 1) to a respective portion of the plurality of bit lines...." Contrary to the Examiner's assertion, however, Balamurugan et al. clearly teaches that item 14 is a "bit line" (see e.g., Balamurugan et al., col. 2, ln. 37), not a "data bus" as asserted by the Examiner.

The Examiner attempts to defend his characterization of the disclosure of Balamurugan et al. by stating, "Examiner believes that it is appropriate to interpret the element in issue, namely 'bit line' as a data bus. A data bus or a bit line is nothing but a conductor carrying a signal. In the same way that a man can be called as 'a father' of children or 'a husband' of a wife, or 'a son' of parents, a wire or a conductor can be called as a bit line or a data bus. As mentioned in the previous action, the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art [citation omitted]. Therefore, the previous rejection is appropriate and maintained."

Applicant agrees with Examiner's characterization of the relevant law (i.e., that "the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the

art”), but disagrees with the Examiner’s application of that law in this instance. Here, the Examiner has not assigned broad meaning to *an element of Applicant’s claims*, but instead has given a new (and inappropriate) meaning to an item disclosed the *purported prior art reference*, Balamurugan et al. More specifically, the Examiner calls the “bit line 14” disclosed in Balamurugan et al. a “data bus.” In doing so, the Examiner has given a new meaning to “bit line 14” *of the purported prior art reference* Balamurugan et al.; he is not talking about the meaning of Applicant’s claim elements. As such, the Examiner has misapplied the case law to the present situation.

Indeed, if any “broadest reasonable meaning” can be assigned to elements in the *claim language*, one should look to the prior art for such meaning. Here, the purported prior art reference Balamurugan et al. discloses what is meant by the term “bit line.” The Examiner rejects the meaning that is provided in Balamurugan et al., and gives the term “bit line” a meaning that actually *contradicts* what is given in the purported prior art reference. This is inappropriate. If the Examiner would like to assign some “broadest reasonable meaning” to the term “bit line” as used in Applicant’s *claims*, the Examiner cannot reject Applicant’s claims on the basis of a reference which clearly *refutes* the meaning assigned by the Examiner. As such, the rejection of Applicant’s claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Balamurugan et al. (USPN 6,320,795 B1) cannot stand.

Applicant respectfully requests that the Examiner produce *another* reference, besides Balamurugan et al., which discloses all elements of Applicant’s claimed invention in a way that is *consistent* with Examiner’s “broadest reasonable meaning.” If the Examiner cannot do so, then Applicant’s claims 1-24 should be allowed.

CONCLUSION

Applicant respectfully requests that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7428.

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2/23/06

Date

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Signature

Respectfully submitted,

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